

Application No. 09/425,436
AMENDMENT AFTER FINAL dated July 7, 2008
Reply to Office Action of March 7, 2008

REMARKS

After entry of the present amendment, claims 2-6, 8-26, and 29-32 are pending. Claims 2-6 and 8-19 are indicated as allowable. The Applicants thank the Examiner for the continued indication of allowable subject matter. Claims 20 to 30 stand rejected. Claims 31 and 32 are new dependent claims depending on independent claim 24. Claims 27 and 28 are canceled. Support for new dependent claims 31 and 32 is found in Figure 4 and on page 5, lines 11 to 29 of the present Specification.

Applicants thank the Examiner for the courtesy of an Interview and concur with the substance of the interview provided by the Examiner. In the Interview, the individual knob assembly, holder, and retainer were discussed relative to the cited prior art. It was suggested that an after final amendment be presented to provide greater detail regarding these structural components. As discussed at the Interview, the Applicants have amended independent claim 24 to further define that the knob assembly includes:

- A recess and a separate holding base that is removable from the knob assembly recess;
- The separate holding base surrounding the temperature display of the thermometer, defining a notch, and selectively supporting the thermometer in the recess of the knob assembly;
- The knob assembly further including a retaining flange configured to selectively cooperate with the separate holding base to permit removal of the thermometer from the knob assembly when the notch is aligned with the retaining flange and to retain the thermometer to the knob assembly when a portion of the separate holding base engages the retaining flange.

Support for these amendments can also be found in the Specification on page 5, lines 11 to 29 and also in Figure 4.

As discussed in the Interview, claim 24 no longer recites waterless cookware or sub-atmospheric pressure. In addition, as also discussed in the Interview, none of the cited art

Application No. 09/425,436
AMENDMENT AFTER FINAL dated July 7, 2008
Reply to Office Action of March 7, 2008

discloses or suggests alone or in combination all of the distinct structural elements discussed above.

Applicants respectfully request reconsideration and allowance of all claims in light of the discussion and amendments presented herein.

I. Rejections Under 35 U.S.C. § 112

The Office Action stated “Applicant also has not pointed out where new claims 24-30 (filed 4/23/07) are supported by the Specification.” (Office Action, March 7, 2008, p. 3.) As discussed in the Interview, Applicants kindly refer to pages 15 and 16 of the response filed April 20, 2007 which states:

Applicants have added new claims 24 to 28, which are similar to pending claims 20 to 23. Support for these new claims can be found in Applicants' specification at page 2, lines 3-14; page 3, line 18 to page 4, line 2; and page 5, lines 11-25.

Accordingly, Applicants respectfully submit that the April 2007 Response provided sufficient indication where the new claims are supported by the Specification. If the above is somehow deficient, the Applicants kindly request the next Office Action to explain in detail why such description is deficient.

Claims 20 and 23 stand rejected under Section 112 for failing to provide support in the Specification for “sub-atmospheric pressure” in claim 20 and for “configured for waterless cooking at sub-atmospheric pressure” in claim 23. In the previous responses, the Applicants have explained, consistent with Section 2111 of the Manual of Patent Examining Procedure, that one of ordinary skill would understand that the present Specification's disclosure of waterless cooking to mean cooking at sub-atmospheric pressure. Specifically, in the April 2007 Response, Applicants supplied additional, objective support via two prior art patents providing evidence that one of ordinary skill, when reading Applicants' Specification, would understand the broadest reasonable interpretation of waterless cooking includes

sub-atmospheric pressure. Accordingly, the claim language “waterless cooking at sub-atmospheric pressure” is supported by the Applicants’ Specification as understood by one of ordinary skill, and it is requested that the rejections under Section 112, first paragraph, be withdrawn.

II. Rejections Under 35 U.S.C. § 103

A. Claims 24 to 26 and 29 to 32

As discussed above, the cited prior art does not disclose all the structural elements of independent claim 24. Namely, none of the cited references disclose a knob assembly having a recess and a separate holding base, a notch in the separate holding base, and a retaining flange that cooperates with the notch as well as the holding base to permit removal and retention of the thermometer in the knob assembly recess. As the cited art does not disclose such features individually, the combination of the cited art would also not disclose such features. Claims 25 to 26 and 29 to 32 all ultimately depend from claim 24.

Accordingly, Applicants respectfully request withdrawal of the rejection to claims 24 to 26 and 29 to 30.

B. Claims 20 to 23

Claims 20 to 23 stand rejected as being obvious over Barbour in view of Bosch. (Office Action, pp. 3-5.) However, as discussed in the Interview and in the previous responses, none of the cited prior art references either alone or in combination discloses cookware configured for waterless cooking at sub-atmospheric pressure.¹

Accordingly, based on the objective evidence of commercial success, Applicants respectfully request the withdrawal of the rejection to claims 20 to 22.

¹ Regarding the Verrette Declaration submitted in the prior response, the Office Action stated “Exhibit A only discloses industry sales figures, rather [than] sales figures for Carico International Inc in particular.” Applicants kindly refer to paragraph 5 on page 3 of the Verrette Declaration that plainly discloses the sales figures of Carico’s waterless cookware in Table 1. Exhibit A showing industry data was provided to compare the industry sales growth to that of Carico’s waterless cookware provided in paragraph 5.

Application No. 09/425,436
AMENDMENT AFTER FINAL dated July 7, 2008
Reply to Office Action of March 7, 2008

III. Conclusion

The Applicants respectively request entry of the present amendment, reconsideration, and withdrawal of the rejections to claims 20 to 26 and 29-30, and this application passed to allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Dated: July 7, 2008

/Jeffrey A. Chelstrom/
Jeffrey A. Chelstrom
Registration No. 57,915

120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone (312) 577-7000
Facsimile (312) 577-7007
512989